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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 EASTERN DIVISION
11

12 JEFF MACY,

13 Plaintiff,

14 v.

15 SAN BERNARDINO COUNTY,

16 Defendant.

No. 5:25-cv-00231-RGK-BFM

**ORDER REMANDING CASE
TO STATE COURT**

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18 The Complaint in this action alleges that Defendant San Bernardino
19 County¹ violated civil rights laws and state law. (ECF 1-1 at 2.) Plaintiff alleges
20 claims for (1) Extortion, (2) Restricting Use of the Land, (3) Municipal and
21 Supervisory Liability, and (4) Intentional Infliction of Emotional Distress. (ECF
22 1-1.) The Complaint was originally filed in the San Bernardino County Superior
23 Court. On January 28, 2025, Defendant removed the matter to this Court. (ECF
24 1.) This Court *sua sponte* **remands** this action to the San Bernardino County
25 Superior Court for lack of jurisdiction.

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27 ¹ Plaintiff named as Defendant the San Bernardino County Land Use
28 Services Department. Defense counsel avers that the entity is properly sued as
San Bernardino County. (ECF 1 at 1.)

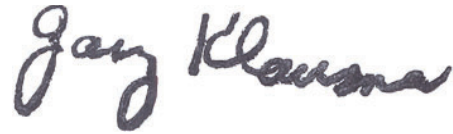
1 A defendant may remove “any civil action brought in a State court of
2 which the district courts of the United States have original jurisdiction” unless
3 otherwise expressly provided by Congress. 28 U.S.C. § 1441(a); *Dennis v. Hart*,
4 724 F.3d 1249, 1252 (9th Cir. 2013). The removing defendant “must
5 demonstrate that original subject-matter jurisdiction lies in the federal courts.”
6 *Syngenta Crop Prot.*, 537 U.S. at 33. Failure to do so requires that the case be
7 remanded, as “[s]ubject matter jurisdiction may not be waived.” *Kelton Arms*
8 *Condo. Owners Ass’n v. Homestead Ins. Co.*, 346 F.3d 1190, 1192 (9th Cir. 2003)
9 (citation omitted). A federal court may raise a lack of federal jurisdiction sua
10 sponte. *Emrich v. Touche Ross & Co.*, 846 F.2d 1190, 1194 n.2 (9th Cir. 1988).

11 Here, Plaintiff has not stated a substantial federal question. He alleges,
12 without any elaboration, that a change of address for his vacant property, a
13 change for which the Land Use Department “extorted” a fee from him, somehow
14 violated his religious rights. He also seems to contend, without elaboration, that
15 the Land Use Department is restricting the use of his “religious, nonprofit
16 private property MacyLand,” and refusing to remove all restrictions concerning
17 the use of “religious, nonprofit private property MacyLand.” (Compl. ¶¶ 6, 7, 16,
18 17.) His allegations lack substance and provide no foundation for his claim that
19 the Land Use Department had knowledge of its deficient policies, practices, and
20 customs as alleged with respect to the address change. (Compl. ¶¶ 8, 29.) Thus,
21 Plaintiff has not stated a substantial federal question for purposes of
22 jurisdiction in this Court. *See Tr. v. Am. Honda Fin. Corp.*, No. 2:16-cv-1237-
23 ODW-SS, 2016 WL 756461, at *2 (C.D. Cal. Feb. 25, 2016) (“A federal claim
24 which is so insubstantial as to be patently without merit cannot serve as the
25 basis for federal jurisdiction.”)

26 Because there is no non-frivolous federal claim stated, the Court lacks
27 jurisdiction over the case.

1 **IT IS THEREFORE ORDERED** that this matter be, and hereby is,
2 **REMANDED** to the San Bernardino County Superior Court of California, for
3 lack of subject matter jurisdiction.

4 **2/11/2025**
5 DATED: _____



6 R. GARY KLAUSNER
7 UNITED STATES DISTRICT JUDGE
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